

# TITLE V PERMIT REVIEW CHECKLIST

Facility Name:		Permit No:	
Facility Address:			State:
Reviewer:	Date review started:	Public comment review period dates:	
<input type="checkbox"/> Initial <input type="checkbox"/> Renewal <input type="checkbox"/> Modification (Major/Minor) <input type="checkbox"/> Other: _____ <input type="checkbox"/> EJ <input type="checkbox"/> Ozone NAA <input type="checkbox"/> R7 Communities		Comments? <input type="checkbox"/> Yes <input type="checkbox"/> No Specify: <input type="checkbox"/> Verbal <input type="checkbox"/> Email <input type="checkbox"/> Letter	

## **Recommended Review Strategy for a Draft Title V Permit:**

### **I. (Optional) Review the permit application for helpful information.**

- a. Identify the facility and description of facility processes including each emission unit.
- b. Locate and review the citation and description of all applicable requirements and a description of or reference to any applicable test method for determining compliance with each requirements.
- c. Identify methods/practices used to determine compliance with applicable requirements including performance testing, work practices, etc.
- d. Review the certification of truth, accuracy, and completeness by a responsible official.
- e. Review the compliance certification.
- f. Locate, review and determine whether an updated compliance plan is required. If so, determine whether compliance plan requirements are included in the permit.

### **II. Review the statement of basis.**

- a. Determine whether the statement of basis contains the legal and factual basis for the draft permit conditions.
- b. Evaluate the justification of the monitoring, recordkeeping, and reporting requirements in the permit.
- c. Evaluate the adequacy of any emission factors used for demonstrating compliance.
- d. Evaluate the justification regarding requirements deemed not applicable to the source.
- e. Determine whether any applicable requirements listed in the statement of basis are not included in the permit.
- f. Evaluate the adequacy of any other explanation in the statement of basis to help understand permit terms and conditions.
- g. Review the list of insignificant activities and evaluate qualifications of the units listed to be insignificant.

### **III. Review the draft permit.**

- a. Determine all applicable requirements that must be included in the permit such as conditions required under 40 CFR Part 60, 61, and 63, SIP Requirements, or other federally-enforceable permits such as preconstruction permits.
- b. Evaluate whether the draft permit condition accurately reflects the requirements of the underlying statute, regulation and/or construction permit which established the requirement.
- c. Determine whether each permit condition is practically enforceable.

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- d. Determine whether periodic monitoring is sufficient to ensure continuous compliance with applicable requirements.
- e. Determine whether the draft permit includes adequate recordkeeping and reporting such that the results are available on a timely basis.
- f. Evaluate the adequacy of general permit conditions.
- g. Consider the implications of recent petition issues or guidance issued by EPA.

IV. Evaluate response to comments / review revised permit (and/or proposed permit) to verify changes.

- a. Determine whether the permitting authority adequately responded to all comments.
- b. Evaluate the completeness and relevance of all responses to comments.
- c. If changes were made to the draft permit, determine whether the permitting authority justified all changes to the permit.
- d. Unless the changes qualify the permit as a “minor modification”, the permitting authority should re-public notice the permit.

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“Reviewed” means that the permit reviewer reviewed the permit element to determine whether subsequent follow-up is required. Items marked as “N/A” means that the requirement is not applicable for the current permit.

<b>A. GENERAL DRAFT PERMIT REVIEW ITEMS</b>	<b>REVIEWED</b>	<b>N/A</b>
1. Statement of basis sets forth the legal and factual basis of the permit	<input type="checkbox"/>	<input type="checkbox"/>
2. Potential to emit exceeds Title V applicability thresholds (ex: 100 TPY of a criteria pollutant in an attainment area, 10/25 TPY for a HAP or combined HAPs)	<input type="checkbox"/>	<input type="checkbox"/>
3. Source belongs to a source category and has counted fugitive emissions towards Title V major source applicability (See “major source” definition in 70.2)	<input type="checkbox"/>	<input type="checkbox"/>
4. Determine whether source is located in an EJ area and/or an APS target area	<input type="checkbox"/>	<input type="checkbox"/>
5. Permit contains all applicable requirements with citation to origin and authority	<input type="checkbox"/>	<input type="checkbox"/>
6. Permit contains monitoring requirements for all applicable requirements	<input type="checkbox"/>	<input type="checkbox"/>
7. Permit contains applicable recordkeeping requirements or additional periodic/sufficiency monitoring requirements	<input type="checkbox"/>	<input type="checkbox"/>
8. Permit requires all records to be kept for at least 5 years	<input type="checkbox"/>	<input type="checkbox"/>
9. Permit contains applicable reporting requirements	<input type="checkbox"/>	<input type="checkbox"/>
10. Permit requires submission of a monitoring report every 6 months (or more frequently)	<input type="checkbox"/>	<input type="checkbox"/>
11. Permit requires prompt reporting of all deviations, where prompt is defined within the permit	<input type="checkbox"/>	<input type="checkbox"/>
12. Permit contains the following clauses: severability, duty to comply, need to halt or reduce activity not a defense, permit modification/reopening for cause, property rights, duty to provide information, inspection and entry (i.e. requirements at 40 C.F.R. §§ 70.6(a)(5), (6), and (c)(2))	<input type="checkbox"/>	<input type="checkbox"/>
13. Fee submission requirement in permit	<input type="checkbox"/>	<input type="checkbox"/>
14. Annual (or more frequent) compliance certification requirement with all required elements at 40 C.F.R. § 70.6(c) in permit	<input type="checkbox"/>	<input type="checkbox"/>
15. All permit conditions are enforceable by the Administrator and the public under the Clean Air Act or designated as not federally enforceable (Enforceable by the State / State only conditions)	<input type="checkbox"/>	<input type="checkbox"/>

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### Question

Reviewed

Reference/Remarks
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1. Is the application available for review?

1

2. Does the application identify the source?

1

- Does the application describe all the processes at the source?

9

4. Does the application identify all applicable requirements and method of compliance with each requirement?

5

5. Does the application have a certification of truth, accuracy, and completeness signed by a responsible official?

□

6. Does the application have a compliance certification?

□

7. Did the applicant certify compliance with all applicable requirements?

9

8. If the applicant did not certify compliance with all applicable requirements, does the application include a compliance plan?

□

## COMMENTS/NOTES

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C. STATEMENT OF BASIS CHECKLIST		
Question	Reviewed	Reference/Remarks
1. Did the permitting authority provide a statement that sets forth the legal and factual basis for the draft permit conditions?	<input type="checkbox"/>	40 C.F.R. § 70.7(a)(5)
2. Does the statement of basis include justification of title V applicability for the source?	<input type="checkbox"/>	
3. Does the statement of basis identify the source or include a single source determination?	<input type="checkbox"/>	
4. Does the statement of basis identify all emissions units at the source? Is each pollutant emitted by each emission unit identified? Is there a summary of emissions from the source for each pollutant?	<input type="checkbox"/>	
5. Are all applicable requirements identified in the statement of basis?	<input type="checkbox"/>	
6. Are all insignificant activities identified in the statement of basis?	<input type="checkbox"/>	
7. Does the statement of basis include a justification for monitoring and compliance demonstration methods?	<input type="checkbox"/>	
8. Does the statement of basis include any nonapplicability determinations?	<input type="checkbox"/>	
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D. DRAFT PERMIT CHECKLIST		
Requirement	Reviewed	Reference/Remarks
1. Are all applicable requirements included in the permit?	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(1)
2. Does each permit condition include a citation to origin and authority?	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(1)(i)
3. Do any permit conditions differ in form from the applicable requirement? If so, are the differences identified?	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(1)(i)
4. Does the permit expire in 5 years or less (5 years for affected sources or 12 years or less with a review every 5 years for solid waste incineration units combusting municipal waste subject to CAA Section 129(e))?	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(2)
5. Review monitoring/testing requirements for each applicable requirement.	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(3)(i-iii). See monitoring, recordkeeping, and reporting checklists.
6. Review all recordkeeping requirements.	<input type="checkbox"/>	
7. Review all reporting requirements.	<input type="checkbox"/>	
8. Review all compliance requirements.	<input type="checkbox"/>	40 C.F.R. § 70.6(c). See compliance requirements checklist.
9. Does the permit prohibit emissions in excess of allowances held under title IV of the Act?	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(4)
10. Does the permit include a severability provision?	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(5)
11. Does the permit include the following general provisions: duty to comply; need to halt or reduce activity not a defense; permit modified, revoked, reopened and reissued or terminated for cause; property right; duty to provide information.	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(6). Refer to regulation for specific wording.
12. Does the permit require the payment of fees consistent with the applicable fee schedule?	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(7)
13. Does the permit include an emissions trading provision?	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(8)
14. Are all terms and conditions federally enforceable or designated as not federally enforceable and enforceable by the state as a matter of state law?	<input type="checkbox"/>	40 C.F.R. § 70.6(b)
15. Does the permit contain an inspection and entry requirement?	<input type="checkbox"/>	40 C.F.R. § 70.6(c)(2)
16. Review AOS terms and conditions according to 40 C.F.R. § 70.6(a)(9)	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(9)
17. Review emission increase/decrease trading according to 40 C.F.R. § 70.6(a)(10)	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(10)

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**E. DRAFT PERMIT MONITORING REQUIREMENTS**

Question	Reviewed	Reference/Remarks
1. Does the permit include monitoring and analysis procedures required under all applicable requirements?	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(3)(i)(A)
2. Does the permit streamline monitoring or analysis procedures required by multiple applicable requirements? If so, determine whether the streamlined procedures assure compliance at least to the same extent as the applicable monitoring requirements not included as a result of streamlining.	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(3)(i)(A)
3. If any applicable requirements do not require periodic monitoring or testing, does the permit include monitoring and testing requirements intended to determine compliance with the	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(3)(i)(B)

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applicable requirement or does the permit use recordkeeping to determine compliance?		
4. Does periodic monitoring and testing yield data representative of the source's compliance with the permit?	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(3)(i)(B)
5. Does periodic monitoring yield data that is obtained from time period relevant to source's compliance?	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(3)(i)(B)
6. Does the additional monitoring assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement?	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(3)(i)(B)
7. Does the permit contain requirements concerning the use, maintenance, and installation of monitoring equipment or methods?	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(3)(i)(C)
8. Review whether monitoring and testing requirements assure compliance with terms and conditions of the permit.	<input type="checkbox"/>	40 C.F.R. § 70.6(c)(1)
<b>COMMENTS/NOTES</b>		

<b>F. DRAFT PERMIT RECORDKEEPING REQUIREMENTS</b>		
<b>Question</b>	<b>Reviewed</b>	<b>Reference/Remarks</b>
1. Does the permit incorporate all applicable recordkeeping requirements?	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(3)(ii)
2. Does the permit create recordkeeping requirements intended to serve as periodic monitoring?	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(3)(i)(B)
3. Do records of required monitoring information include the following: a. Date, place as defined in the permit, and time of sampling or measurements b. Date(s) analyses were performed c. Company or entity that performed analyses d. Analytical techniques or methods used	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(3)(ii)(A)

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e. Results of analyses f. Operating conditions as existing at the time of sampling or measurement		
4. Does the permit require records of all required monitoring data and support information to be kept for at least 5 years from the date of the monitoring sample, measurement, report, or application?	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(3)(ii)(B)
5. Does the permit define support information as consisting of at least calibration and maintenance records for continuous monitoring instrumentation, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit? If not, does the permit include similar recordkeeping provisions to include these items?	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(3)(ii)(B)
6. Review whether recordkeeping requirements assure compliance with the terms and conditions of the permit.	<input type="checkbox"/>	40 C.F.R. § 70.6(c)(1)
<b>COMMENTS/NOTES</b>		

G. DRAFT PERMIT REPORTING REQUIREMENTS		
Question	Reviewed	Reference/Remarks
1. Does the permit incorporate all applicable reporting requirements?	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(3)(iii)
2. Does the permit require reports of any required monitoring to be submitted at least every 6 months?	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(3)(iii)(A)

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3. Does the permit require reports to identify deviations from permit requirements?	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(3)(iii)(A)
4. Does the permit require reports to be certified by a responsible official?	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(3)(iii)(A)
5. Does the permit require prompt reporting of deviations from permit requirements, including upset conditions?	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(3)(iii)(B)
6. Does the permit require reports to identify probable cause of deviations from permit conditions?	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(3)(iii)(B)
7. Does the permit require reports to list any corrective actions taken?	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(3)(iii)(B)
8. Does the permit define “prompt” in relation to the degree and type of deviation likely to occur and the applicable requirements?	<input type="checkbox"/>	40 C.F.R. § 70.6(a)(3)(iii)(B)
9. Review whether reporting requirements assure compliance with permit terms and conditions.	<input type="checkbox"/>	40 C.F.R. § 70.6(c)(1)

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H. DRAFT PERMIT COMPLIANCE REQUIREMENTS		
Question	Reviewed	Reference/Remarks
1. Does the permit require a schedule of compliance?	<input type="checkbox"/>	40 C.F.R. § 70.6(c)(3)
2. Does the permit require progress report consistent with an applicable schedule of compliance to be submitted either semiannually or more frequently?	<input type="checkbox"/>	40 C.F.R. § 70.6(c)(4)
3. Does the permit specify the frequency of compliance certifications?	<input type="checkbox"/>	40 C.F.R. § 70.6(c)(5)(i)
4. Does the permit require submission of compliance certifications either annually or more frequently?	<input type="checkbox"/>	40 C.F.R. § 70.6(c)(5)(i)
5. Does the permit require each compliance certification contain the identification of each term or condition of the permit that is the basis of the certification?	<input type="checkbox"/>	40 C.F.R. § 70.6(c)(5)(iii)(A)
6. Does the permit require each compliance certification to identify the methods or other means used to determine compliance with each permit term and condition during the compliance period?	<input type="checkbox"/>	40 C.F.R. § 70.6(c)(5)(iii)(B)
7. Does the permit require the compliance certification to state whether compliance with each term and condition during the compliance period was continuous or intermittent?	<input type="checkbox"/>	40 C.F.R. § 70.6(c)(5)(iii)(C)
8. Does the permit require the compliance certification to identify any deviation and take it into account in the certification?	<input type="checkbox"/>	40 C.F.R. § 70.6(c)(5)(iii)(C)
9. Does the permit require the compliance certification to identify any excursion or exceedance from part 64 CAM requirements?	<input type="checkbox"/>	40 C.F.R. § 70.6(c)(5)(iii)(C)
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I. PERMIT SHIELD REQUIREMENTS		
Question	Reviewed	Reference/Remarks
1. Does the permit include a permit shield?	<input type="checkbox"/>	40 C.F.R. § 70.6(f)(1)
2. Does the permit shield apply only to applicable requirements included and specifically identified in the permit?	<input type="checkbox"/>	40 C.F.R. § 70.6(f)(1)(i)
3. Did the permitting authority include any nonapplicability determinations in the permit or a summary of the nonapplicabilty determination made in the statement of basis?	<input type="checkbox"/>	40 C.F.R. § 70.6(f)(1)(ii)
COMMENTS/NOTES		